

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA GLOWACKI, on behalf of her
minor children, D.K.G and D.C.G.,

Plaintiffs,

CASE NO. 11-cv-154891

vs

HOWELL PUBLIC SCHOOL DISTRICT,
JOHNSON "JAY" MCDOWELL, individually
and in his official capacity as a teacher
in the Howell Public School District,

Defendants.

The Deposition of DANIEL GLOWACKI, taken before me,
Jennifer Wall, CSR-4183, a Notary Public within and for the
County of Oakland, Acting in Washtenaw, State of Michigan, at 24
Frank Lloyd Wright Drive, Ann Arbor, Michigan on Wednesday,
September 19th, 2012.

APPEARANCES:

ERIN ELIZABETH MERSINO, ESQ.
The Thomas More Law Center
24 Frank Lloyd Wright Drive
Ann Arbor, Michigan 48106
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Appearing on behalf of Plaintiff.



1 your second semester of the twelfth grade?

2 A. No, ma'am.

3 Q. Let's go back to your junior year then. The eleventh grade.

4 Do you remember what classes you took the first semester of
5 eleventh grade?

6 A. No, ma'am.

7 Q. What classes did you take when you were -- strike that.

8 When you were taken out of the economics
9 class, what class were you placed into?

10 A. Another economics class.

11 Q. Who was the teacher then?

12 A. Ms. Steele.

13 Q. To the best of your memory, did that class go until the end
14 of January?

15 A. Yes.

16 Q. Meaning it lasted for one semester, or did it last the whole
17 year?

18 A. It was one semester, I believe, because economics is a half
19 credit.

20 Q. And do you remember what grade you got in that class?

21 A. No.

22 Q. Do you remember if you passed it?

23 A. Yes, I believe I passed it.

24 Q. Do you remember having any difficulties in Ms. Steele's econ
25 class, difficulties, meaning, with the passing it, you know,

1 Q. Has filing this lawsuit stopped the people talking about you
2 on Facebook?

3 MS. MERSINO: Objection. Relevance. You
4 can answer the question.

5 THE WITNESS: I haven't seen anything.

6 BY MS. BARTOS:

7 Q. Well, do you think that filing this lawsuit has stopped
8 that?

9 A. It's helped, yes.

10 Q. When did you make the marriage anti-defamation tape, you
11 know, do you remember when it was, what day or month?

12 A. No.

13 Q. Do you remember was it after this lawsuit?

14 A. Yes.

15 Q. Did you know when you made that tape that it was going to go
16 on You Tube?

17 A. Yes.

18 Q. Did you believe that making that tape would somehow stop the
19 people making comments about you?

20 A. I thought it would help, yes.

21 Q. Did you at any time believe or think that making that tape
22 made people talk about you more?

23 A. Yes.

24 Q. Whose idea was it to make the tape for the marriage
25 anti-defamation?

1 A. I'm not sure.

2 Q. Did you contact them or did they contact you?

3 A. I'm not sure on that either.

4 Q. Do you remember calling this company or this organization
5 up?

6 A. No.

7 Q. Tell me how it came about that this tape was made, where the
8 video was made, were you asked to go to a meeting by your
9 attorney, or did your mother ask you, how did that happen?

10 A. My mother asked me.

11 Q. What did she say was going to happen?

12 A. That I was making a video that would help the lawsuit.

13 Q. Did you ask your mom, who are these people?

14 A. Yes.

15 Q. What did she say?

16 A. She explained to me what they were.

17 Q. Did she say how she came in contact with them?

18 A. No.

19 Q. Where did you go to do this video?

20 A. This room.

21 Q. In that tape, you say that you were against homosexual
22 lifestyle, is that true?

23 A. Yes.

24 Q. In that tape you said that you lost your right to free
25 speech, do you believe that?

1 A. Yes.

2 Q. Did you ask them what that was all about?

3 A. (Shaking head negatively.)

4 Q. You're shaking your head no?

5 A. No.

6 Q. So you get to Mr. McDowell's class, and why don't you tell
7 me what happened.

8 A. I walked up to the classroom a little late, the bell already
9 rang. As I was walking up, he had Danielle Peterson
10 outside, and he was making her take off the confederate flag
11 belt buckle.

12 I walked into class, the projector screen was
13 down, like we were going to watch a movie or something.
14 And he started to explain about Tyler's army, his
15 purple shirt, what it represented and what it meant.

16 As he was talking about his shirt, I calmly
17 raised my hand and asked him why it was that Danielle
18 couldn't wear her confederate flag belt buckle, but
19 they could wear purple shirts and talk about it in
20 schools.

21 And he told me that the confederate flag
22 represented hanging and slashing of niggers, and that
23 it wasn't allowed in his classroom. And that it was
24 discrimination against blacks and stuff. And I said
25 that purple shirts are discriminating against

1 Catholics, and I'm Catholic. And he told me if I was a
2 real Catholic, I would be going to a Catholic school.

3 I told him not everyone could afford Catholic
4 schools, and then at that point, he told me that -- I'm
5 blanking out.

6 Q. That's all right. Take your time.

7 A. He told me that if I was really against gays, that I could
8 leave his classroom. So I calmly picked up my backpack, and
9 I walked out in the hallway.

10 As I walking out in the hallway, Adam Shenk
11 raised his hand and said, "can I leave, too?" So me
12 and Adam were sitting in the hallway, and then as we
13 were sitting there, when Mr. McDowell came out and told
14 me that I was going to get suspended for being a racist
15 and a bigot and that he was going to write me up a
16 referral and I wasn't allowed back in his classroom.

17 Q. Okay.

18 A. Dave DeVries -- as all this was going on, Dave walked around
19 the corner and took us down to Dr. Sharp, where I got a
20 referral.

21 Q. Okay. Let me back you up. Danielle Peterson is taking off
22 her belt buckle in hallway or in class?

23 A. In the hallway.

24 Q. And we all know it was a confederate belt buckle, right?

25 A. Yes.

1 him.

2 Q. I just want to know what he said about homosexuality.

3 A. I'm not sure.

4 Q. So you told Mr. McDowell his purple shirt was discriminatory
5 against Catholics?

6 A. Yes.

7 Q. Did you explain what you meant by that, by the shirt being
8 discriminatory?

9 A. I said it was against my religion, yes.

10 Q. Well, I don't mean to be nitpicky, but I really want to know
11 the words that you used, the best of your memory.

12 So you told him that -- do you remember
13 saying the words that the shirt was discriminatory
14 against Catholics?

15 A. Yes, I said it was discriminating against Catholics, yes.

16 Q. Did you say why it was discrimination against Catholics?

17 A. It's against my religious beliefs.

18 Q. Did you say this before or after Mr. McDowell told you that
19 you could leave if you were against gays?

20 A. Before.

21 Q. And he -- again, he said what to you as to why you could
22 leave again? I want to know -- I don't want to put words in
23 your mouth. What words did Mr. McDowell use when he told
24 you that you could leave the class?

25 A. If I was really against gays, I could leave his classroom.

1 Q. Did he say why, did he give you any further explanation?

2 A. No.

3 Q. And you said that you don't know if there were any gay
4 students in the class, correct?

5 A. No, I have no idea.

6 Q. Do you think that having gay students, or if there were any
7 gay students in the classroom, that the gay students would
8 be upset by you telling -- saying that you were against --
9 saying that it was against your religious beliefs?

10 MS. MERSINO: Objection. Calls for
11 speculation.

12 BY MS. BARTOS:

13 Q. You can answer.

14 A. I was already upset because he was --

15 Q. Do you think that the gay student would be upset hearing you
16 say that in class out loud?

17 A. Yeah, but don't you think I would be upset --

18 Q. Answer my question --

19 MS. MERSINO: You cut him off.

20 MS. BARTOS: He answered my question.

21 BY MS. BARTOS:

22 Q. So after Mr. McDowell says to you "if you are really against
23 gays, you can leave his class", what else was said between
24 the two of you, if anything?

25 A. Nothing.

1 Q. So that's when you got up and left?

2 A. Calmly picked up my bag and left.

3 Q. Was there any talk regarding the rainbow flag?

4 A. No.

5 Q. Was there any talk about -- strike that.

6 And do you remember at what point Adam would
7 have walked into the classroom, at what point during
8 this conversation?

9 A. He walked out of the classroom.

10 Q. Isn't it true that he walked in a little bit late?

11 A. Not that I recall.

12 Q. All right. So you think Adam was in the class the whole
13 time?

14 A. Yes.

15 Q. And what did Adam say, if anything, in this conversation?

16 A. When Mr. McDowell said, "if you are really against gays, you
17 can leave my classroom", Adam raised his hand and said, "can
18 I leave too?".

19 Q. And did McDowell say anything back to him?

20 A. I'm not sure.

21 Q. Did you walk out before Adam?

22 A. Yes.

23 Q. And did Mr. McDowell come out to the hallway?

24 A. After Adam, I believe, he called the office first.

25 Q. How do you know he called the office first? I mean, did you

1 see it happen?

2 A. That's what I heard from the students.

3 Q. What did he say to you while you were in the hall?

4 A. That I was a racist and a bigot and I was getting suspended
5 for bullying and that I was not allowed back in his
6 classroom. I was getting written up. As this was
7 happening, Dave DeVries came around the corner.

8 Q. If you know, did Mr. DeVries -- was he there when
9 Mr. McDowell called you a racist and a bigot?

10 A. I'm not sure.

11 Q. Did Mr. DeVries take you down to the office?

12 A. Yes.

13 Q. What did you do when you went down to the office?

14 A. I got a referral.

15 Q. What is that? I mean, how does that work? Does someone
16 hand you a piece of paper saying you're referred?

17 A. You sit down with the principal, tell them what happened,
18 they write it up, that's it.

19 Q. And so you sat down with whom?

20 A. Dr. Sharp.

21 Q. Did you tell Dr. Sharp what happened?

22 A. Yes.

23 Q. Was anybody else in the room besides you and Dr. Sharp?

24 A. No.

25 Q. And what did you -- how long was your conversation with

1 A lot of it is just going to be some
2 follow-up on the questions that you were already asked.

3 Let's talk about school first at Howell.

4 Did you do any extracurricular activities
5 other than those sports that we already talked about?

6 A. No, sir.

7 Q. Before October 2010, did you ever express your views,
8 religious or otherwise, regarding homosexuality in school?

9 A. No.

10 Q. Did you express your views regarding homosexuals anywhere
11 else?

12 A. No, sir.

13 Q. Before October 2010 was the issue of homosexuality ever
14 discussed in school?

15 A. Not that I recall.

16 Q. After October 2010, other than the incident in
17 Mr. McDowell's class, was the issue of homosexuality ever
18 discussed in school, to the best of your knowledge?

19 A. The bullying seminar.

20 Q. The bullying seminar?

21 A. Yes.

22 Q. Anything else at all that you know of?

23 A. No, sir.

24 Q. Were there ever any classroom discussions about the morality
25 of homosexual behavior in school before October 2010 that

1 you know of?

2 A. Not that I recall.

3 Q. Any discussions about the morality of homosexual behavior
4 after October 2010?

5 A. No.

6 Q. That's a no?

7 A. No, sir.

8 Q. Dan, I'm going to hand you what's already been marked as
9 Exhibits 35 and 36. And those were -- well, let me hand
10 them to you first.

11 Did you need a copy, Erin?

12 MS. MERSINO: No, thanks.

13 BY MR. HENLEY:

14 Q. Are those the statements that you wrote out?

15 A. Yes.

16 Q. Was that when you were in Dr. Sharp's office?

17 A. Yes, sir.

18 Q. Did Dr. Sharp give you any direction at all about what to
19 write?

20 A. No.

21 Q. Did anyone tell you what to say or not to say in those
22 statements?

23 A. No, sir.

24 Q. Did you have enough time to write everything that you wanted
25 to write in those statements?

1 A. Yeah, I don't know.

2 Q. Does the phrase homosexual lifestyle have any meaning to you
3 at all?

4 A. Can you restate that?

5 Q. Sure. Do you know what the words homosexual lifestyle mean?

6 A. Yes.

7 Q. And what do they mean?

8 A. It's a lifestyle that two men have together, or possibly
9 two --

10 Q. Two women?

11 A. Yes.

12 Q. Was there any discussion at school that you were involved in
13 other than out in the hall with other students about the
14 homosexual lifestyle?

15 A. Not that I recall.

16 Q. Did you ever discuss homosexual lifestyle with any employee
17 of the Howell Public Schools?

18 A. Not that I recall. Besides the incident.

19 Q. Besides the incident, okay.

20 With respect to the incident, do you remember
21 using the phrase, "I don't accept gays"?

22 A. Yes.

23 Q. When did that come up?

24 A. Well, not those words exactly, but --

25 Q. Do you remember what words you actually used?

1 A. "My religion doesn't accept gays".

2 Q. Did Mr. McDowell have a response to that?

3 A. Not that I recall.

4 Q. Is there anything else you remember about the incident that
5 we haven't talked about yet?

6 A. No, sir.

7 Q. Have you ever talked to Ron Wilson, the superintendent,
8 about what happened?

9 A. No, sir.

10 Q. Have you ever talked to Lynn Parish about what happened?

11 A. No.

12 Q. Have you ever talked to any central office administrator
13 about what happened?

14 A. No, sir.

15 Q. Did you ever talk to Mr. Moran about what happened during --

16 A. No.

17 Q. Have you ever personally read any of the Howell Public
18 Schools board policies?

19 A. No.

20 Q. Have you ever been personally read any of the Howell Public
21 School administrative guidelines?

22 A. No, sir.

23 Q. Have you read the student code of conduct?

24 A. Yes.

25 Q. Is there anything in the student code of conduct that you

1 remember right now that you felt was against your religion?

2 A. Not that I recall.

3 Q. Did you ever talk to your brother, Drake, about what
4 happened?

5 A. Yes.

6 Q. Do you remember about how many times you talked to Drake
7 about that?

8 A. I mean, he's a part of the family, so he is there for every
9 discussion.

10 Q. Did Drake ever tell you about how he felt about what
11 happened?

12 A. No.

13 Q. Did Drake ever tell you about whether or not what happened
14 to you impacted him at school?

15 A. No.

16 Q. Do you know if Drake ever made statements like that to
17 anyone else in your family?

18 A. No, sir.

19 Q. Did you ever talk to any Howell school district
20 administrator about the anti-bullying seminar?

21 A. No.

22 Q. Did you ever talk to anyone at Howell Public Schools about
23 how it made you feel?

24 A. No.

25 Q. Let's talk a little bit about the video that you made here.

1 Do you remember if the video was made before
2 or after you graduated from high school?

3 A. It was before.

4 Q. And you graduated from high school this June?

5 A. Yes.

6 Q. 2012, correct?

7 A. Yes.

8 Q. Do you remember about how long before you graduated that the
9 video was made?

10 A. No. I want to say half a year, but it could have been
11 longer.

12 Q. About how long did it take to make the video?

13 A. About half an hour.

14 Q. Do you remember if it was one take or more than one more
15 take?

16 A. No.

17 Q. Did you have a script to read off of for the video?

18 A. No.

19 Q. Did anyone tell you what to say during the video?

20 A. No.

21 Q. Did anyone give you any guidance at all about what to say?

22 A. Nope.

23 Q. Did anyone tell you what to talk about during the video?

24 A. They were asking me questions, but that's it. Before the
25 video started.

1 Q. Okay. Who was asking you questions?

2 A. I don't remember his name.

3 Q. Did you know what the video was going to be used for?

4 A. No.

5 Q. Did anyone at school talk to you at all about the video?

6 A. Yes, friends.

7 Q. Other than friends, did anyone talk to you about the video?

8 A. No.

9 MR. HENLEY: I don't think I have any other
10 questions. Thank you.

11 REEXAMINATION

12 BY MS. BARTOS:

13 Q. Just one follow-up. Have you seen the video?

14 A. Yes.

15 Q. Do you agree with -- do you agree that you made the comments
16 that are in the video? Meaning, I want to make sure that
17 you don't think anyone changed your words or --

18 A. Yeah, no.

19 Q. That's what you said?

20 A. Yes.

21 MS. BARTOS: Okay. That's all I have.

22 Thank you.

23 EXAMINATION

24 BY MS. MERSINO:

25 Q. Is there anything that you need to clarify?